IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6814 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HASMUKHBHAI L JOSHI
Versus
ADMINISTRATIVE DIRECTOR AND ANOTHER

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Appearance :
MR RC PATHAK for Petitioner.
MR PV HATHI for Respondents.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 23/02/2007

ORAL JUDGMENT

This petition is pending before this Court since more than 12 years.

2) A note has been filed by Mr.Hathi, learned advocate for the respondents stating that the petitioner has expired as back as on 15th

June, 1997 and no steps are taken by the heirs by filing any application for bringing them on record. Mr.Hathi has produced on record a copy of the letter received by him from the office of the Corporation pointing out that the petitioner has died on 15th June, 1997. At the request of Mr.Hathi said letter is taken on record.

3) Considering the fact that the petitioner has died before more than 9 years and his heirs are not brought on record, this petition cannot be proceeded further on merits, as the sole petitioner has already died. Therefore, this petition is disposed of as having been abated. Rule is discharged. Interim relief, if any, stands vacated. No order as to costs.

4) It is clarified that, in case, any application is preferred by the heirs of the petitioner by showing sufficient cause, the Court may consider such application on merits and this order will not come in the way of the heirs for filing appropriate application.

(P.B.Majmudar, J.)

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